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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(San Francisco Division)

TASH HEPTING, *et al.*, Plaintiffs, v. AT&T CORP., *et al.*, Defendants.	Case No. C-06-0672-VRW **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED** The Honorable Vaughn R. Walker
THIS DOCUMENT RELATES TO: *Spielfogel-Landis v. MCI, LLC*, case no. C-06-4221 MJJ	

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

Pursuant to Local Rule 3-12, plaintiff Elaine Spielfogel-Landis respectfully submits this administrative motion to consider whether a case filed in this District, *Spielfogel-Landis v. MCI, LLC*, case no. C-06-4221 MJJ (filed July 7, 2006) ("*Spielfogel-Landis*"), should be related to another case filed in this District, *Hepting, et al. v. AT&T Corp. et al.*, case no. C-06-0672-VRW ("*Hepting*").

Pursuant to Local Rule 3-12(d)(2), plaintiffs state that *Spielfogel-Landis* and *Hepting* actions allege that different defendants violated the same federal communications statutes and the California Unfair Competition Law by illegally providing the federal government with their customers' telecommunications records. Plaintiffs in *Spielfogel-Landis* and *Hepting* raise causes of actions for violations of 28 U.S.C. § 2702, 47 U.S.C. § 605, and California Bus. & Prof. Code §§17200, *et seq*. (*Hepting* includes additional causes of action that *Spielfogel-Landis* does not include.)

This Court previously related *Riordan, et al. v. Verizon Communications, Inc.*, Case No. C-06-3574-VRW ("*Riordan*") to *Hepting*. *Riordan* alleges Verizon also illegally provided the federal government with Verizon's customers' communication records. The *Hepting* action alleges that various AT&T corporate entities provided the federal government with their customers' telecommunications records. The *Spielfogel-Landis* action is brought against MCI, LLC, which is currently owned by Verizon, and alleges MCI illegally provided the federal government with MCI's customers' communication records. For the reasons that the Court related the *Riordan* action to *Hepting*, different defendants following the same alleged illegal conduct, the Court should also relate *Spielfogel-Landis* to *Hepting*.

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different Judges.

Dated: July 11, 2006

Respectfully submitted,

By: *_/s/ Eric B. Fastiff_*
Eric B. Fastiff

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Attorneys for Individual and Representative Plaintiff Elaine Spielfogel-Landis

PROOF OF SERVICE

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Embarcadero Center West, 275 Battery Street, 30th Floor, San Francisco, California 94111-3339. On July 11, 2006, I caused to be served by hand delivery a true and correct copy of the within document:

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED

by delivering copies thereof to:

MCI, LLC
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

I declare that I am a member of the bar of this court at whose direction the service was made.

Service on the parties to *Hepting, et al. v. AT&T Corp., et al.*, case no. C-06-0672-VRW was made by electronic filing using the Court's CM/ECF system.

Executed on July 11, 2006, at San Francisco, California.

/s/ Eric B. Fastiff
Eric B. Fastiff